

School Council Election Fact Sheet – May 2004

What does the law say?

You can read the actual text of the law on teacher and parent elections in KRS 160.345 (2) (b) 1 and 2 at <http://162.114.4.13/krs/160-00/345.pdf>

What are the general procedures required for teacher elections?

Teachers must be elected by a majority of teachers in an election conducted by teachers. KRS 160.345 gives a definition of 'teacher' (KRS 160.345 1.c.) that excludes principals, assistant principals, or head teachers. Only 'teachers' may vote in teacher elections. Teachers must be elected by a majority vote (more than half) of all of the teachers who are assigned to their building for any part of the day. Teachers should establish written procedures they will use for their elections, and then follow those procedures.

What are the general procedures required for parent elections?

Parents must be elected by the parent teacher organization, or largest group of parents formed for the purpose of parent elections. Election by plurality (most votes by the top two candidates) is all that is required for parent elections. Parent groups conducting the parent elections should establish written procedures for their elections, and then follow those procedures.

What parents are eligible to be nominated or to vote?

The legal definition of parent (KRS 160.345 1.c.) allows biological parents, stepparents, foster parents, or persons who have court ordered legal custody to be nominated or to vote. According to the law, parents who are nominated or who wish to vote must have a child "preregistered to attend" the school for next year. In other words, if your child is in grade 5 this year in a K-5 school, you are eligible to vote in the election for the middle school, but not for the elementary school.

Parent council members cannot be employed in or be related to someone who is employed in the school or in the district administrative offices. An Attorney General's Opinion [OAG 90-102] says that "relative" as used in this section should have the same definition found in KRS 160.180 and KRS 160.380 that applies to school boards. This means that a parent who is a "*father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law*" of someone who works at the school or in the district administrative offices could not be a parent council member. Parent members cannot be a board member or a board member's spouse, nor can they have a business interest in the school.

What about our school council's by-laws on elections?

The Kentucky Department of Education and the Office of Education Accountability recommend that school councils remove election procedure for teachers and parents from their bylaws. Teachers and parents should establish their own written election procedures.

What is the principals' role in elections?

Other than conducting the election for the minority teacher and parent members in the event the school is required to do that, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents if requested to do so with logistics such as opening the building, providing space in the building, and assisting PTA or PTO and teachers with communicating election meeting times and dates. Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

When must a school have an election for minority members?

If a school council has 8% or more minority enrollment as of the October 1 preceding the election, they must have minority representation on their school council. If a minority member is elected to the council in the initial elections, or if the principal is a minority, then the school council does not have to elect additional minority members.

Who conducts the election for additional minority members?

The principal is responsible for conducting elections for additional minority members. The laws gives specific guidance to the principal about how to do the special elections for an additional parent and teacher members in KRS 160.345 (2)(a.) b.

What are some examples of how to conduct elections?

One of the best ways to see examples or ask advice is to contact organizations that assist teachers and parents with elections: Kentucky Congress of Parents and Teachers (KYPTA) (502-564-4378) web page: <http://www.kypta.org/>
 Kentucky Association of School Councils (KASC) (859-238-2188) web page <http://www.kasc.net/>
 Kentucky Education Association (KEA) (502-875-2889) web page: <http://www.kea.org/>